REMARKS

Applicants herein respond to the Restriction Requirement issued by the Examiner on October 6, 2008. The Examiner stated that the application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner stated that Applicants are required to elect a single invention to which the claims must be restricted, i.e.:

Group I, Claims 1-14, drawn to method of dehydrogenation of an alkylaromatic compound; and,

Group II, Claims 15-22, drawn to a reactor system.

Although Applicants do not agree with the propriety of the restriction requirement, in an effort to speed prosecution of this application to allowance, Applicant herein elects Group I, Claims 1-14, drawn to method of dehydrogenation of an alkylaromatic compound. For the reasons more fully stated below the restriction requirement is respectfully traversed.

Applicant traverses the restriction requirement because, as a practical matter, there is simply no way to search the claims of any of Group I -- thoroughly -- without searching the other. In that, the method of dehydrogenation of an alkylaromatic compound necessitates the presence of steam at elevated temperatures in a reactor system.

The disclosure presents only a single invention. That invention may be described in several independent claims and from several perspectives, but that does not change the nature of the invention. Thus, all the claims have "a community of properties justifying their grouping which [is] not repugnant to principles of scientific classification," In re Harnish, 631 F.2d 716, 206 U.S.P.Q. 300, 305 (C.C.P.A. 1980).

More importantly, in general, an applicant has a "right to define what he regards as his invention as he chooses, so long as his definition is distinct" [ibid]. And, "[a]s a general proposition, an applicant has a right to have each claim examined on the merits," In re Weber, Soden and Boksay, 580 F.2d 455, 198 U.S.P.Q. 328, 331 (C.C.P.A. 1978). That court and its successor have long recognized the advantages to the public interest in permitting applicants to

claim all aspects of the invention so as to encourage the making of a more detailed disclosure of all aspects of the discovery.

> We believe the constitutional purpose of the patent system is promoted by encouraging applicants to claim, and therefore to describe in the manner required by 35 U.S.C. § 112, all aspects of what they regard as their inventions, regardless of the number of statutory classes involved. In re Kuehl, 177 U.S.P.Q. 250, 256 (C.C.P.A. 1973).

Because it is the case that the claims all relate to the same invention, even though the Patent Office classification system indicates different places to list the patents after complete examination and allowance, searching the subject matter of one classification with that of others is the only way to yield ALL references pertinent to the invention, and there is no undue burden for the examination purposes.

Moreover, requiring applicant to pay filing fees, prosecution costs, issue fees, and maintenance fees for several patents for one invention is an undue burden for applicant. Reconsideration and withdrawal of the requirement for restriction are believed in order and are requested.

The Examiner is also directed to M.P.E.P. §803, wherein it states:

> If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions. M.P.E.P §803 (emphasis supplied).

Therefore, as the claims contained in the application relate to the same invention, namely, a method of dehydrogenation of an alkylaromatic compound in the presence of steam at elevated temperatures in a reactor system in the presence of a dehydrogenation catalyst comprising steps of separating in a fractionation column, condensing in a condenser, and compressing in a compressor, each of which cannot be properly searched without considering the other, and as the M.P.E.P. states that separate classification is not sufficient if the entire case can be searched at once without serious burden, it is respectfully submitted that withdrawal of the Restriction Requirement is warranted.

Accordingly, all of the claims pending in the Application, namely, Claims 1-22, are believed to be in condition for allowance. In the event that the Examiner does not withdraw the restriction requirement, Applicant respectfully reserves the right to timely filed divisional applications directed to the non-elected claims.

Additionally, enclosed herewith, Applicant respectfully submits a Change of Correspondence Address, i.e., Form PTO/SB/122, regarding the above-identified application, i.e., U.S. Patent Application Serial No.: 10/517,734.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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